

Before the Board of Supervisors
County of Placer, State of California

In the matter of:

**AN ORDINANCE ADOPTING THE DEVELOPMENT
STANDARDS FOR THE BICKFORD RANCH SPECIFIC
PLAN**

Ordinance No: _____

First Reading: _____

The following ORDINANCE was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Harriet White
Chairman, Board of Supervisors

Attest:
Clerk of said Board

Ann Holman

The Board of Supervisors of the County of Placer, State of California, does hereby ordain as follows:

WHEREAS,

1. On November 1 and 8, 2001, the Placer County Planning Commission ("Planning Commission") held public hearings pursuant to Sections and 17.58.200(E)(1) of the Placer County Code to consider, among other land use approvals related to the Bickford Ranch Specific Plan, the Bickford Ranch Design Guidelines and the Bickford Ranch Development Standards (the "Development Standards") and the Planning Commission has made recommendations to the Board of Supervisors ("Board") related thereto.

2. On December 10, 2001, the Board held a noticed public hearing to consider the recommendations of the Planning Commission and to receive public input regarding the Development Standards, among other issues.

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3. The Board considered the recommendations of the Planning Commission, reviewed the Development Standards, Bickford Ranch Specific Plan, and the Bickford Ranch Design Guidelines, having received and considered the written and oral comments submitted by the public thereon, and adopted Resolution No. 2001-340 certifying the Final Environmental Impact Report for the Bickford Ranch Specific Plan and related entitlements and granted and enacted the entitlements for Bickford Ranch (the "Project Approvals"), including the Development Standards..

4. On or about January 17, 2002, litigation was commenced to challenge the actions of the Board in granting the Project approvals alleging, among other things, violations of the California Planning and Zoning law as well as violations of the California Environmental Quality Act in connection with the preparation and certification of the FEIR. The suits filed are more particularly identified as follows:

(a) Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV-12789; and

(b) Bickford Ranch Coalition of WPCARE; Town of Loomis v. County of Placer (Bickford Holdings, LLC et al. Real Parties in Interest), Case No. SCV-12793.

The cases were consolidated for purposes of trial. The two cases are referred to collectively as the "Project Approval Litigation."

5. On October 21, 2003, the Board approved two tentative subdivision maps filed by the Applicant, pursuant to the Subdivision Map Act and the Subdivision Ordinances of the County of Placer. The tentative subdivision maps were based on and intended to implement the Project Approvals. The Project Approvals were made a part of and incorporated in the Board's approval of the tentative subdivision maps. On November 18, 2003, litigation was commenced challenging the Board's action in approving the tentative subdivision maps in a case entitled Sierra Club, Sierra Foothills Audubon Society and California Oaks Foundation v. Placer County, et al. (Bickford Holdings, LLC, et al. Real Parties in Interest), Case No. SCV 16428 (the "Subdivision Map Litigation"). On May 28, 2004, the Subdivision Map Litigation was dismissed with prejudice on Applicant's and County's motion, such dismissal constituting an adjudication that the tentative subdivision maps were validly approved in a process that complied with law. The time to file any new action to challenge the tentative subdivisions maps has expired. Thus, the tentative subdivision maps and the process by which they were approved has been determined to be valid and that conclusion is not subject to further review except by way of appeal in the Subdivision Map Litigation.

6. Since grant and adoption of the Project Approvals on December 18, 2001, certain modifications have been made in the Project as follows:

(a) Water conveyance modifications requested by Placer County Water Authority as part of its execution of a Water Master Services Agreement to serve the Project more particularly described in the Addendum to the FEIR referred to in the following recital (the "Addendum");

(b) Minor master lotting plan changes documented in the tentative subdivision maps for the Project approved as recited above and more particularly described in the Addendum; and

(c) Three additional minor lotting plan and golf course alignment modifications for the Heritage Ridge portion of the Project, described in Applicant's letter to the County dated November 21, 2003 more particularly explained and described in the Addendum.

7. Anticipating the possibility of further proceedings to be undertaken in connection with the Project that could require consideration under the California Environmental Quality Act, Staff and the EIR consultant that prepared the FEIR, URS Corp., considered whether or not additional environmental documentation would be required, (i) to describe project changes, (ii) the changes in background circumstances, and (iii) other relevant criteria in accordance with the provisions of CEQA Guidelines Section 15162, all for the purpose of determining whether or not new environmental analysis was required in addition to that contained in the FEIR. Staff and URS Corp. have undertaken that analysis, concluded that the changes do not warrant preparation of a supplemental EIR or a subsequent EIR, and that all of the changes can be addressed in an addendum to the FEIR prepared pursuant to CEQA Guideline Section 15164. The Addendum has been prepared by Staff with the assistance of URS Corp., and has been presented to the Board as a predicate for its action herein. The Addendum is intended to be added to and become an integral part of the FEIR previously certified herein.

8. After extensive argument concerning and resolution of various procedural issues, briefing, consideration of the Administrative Record and other matters at issue in the Project Approval Litigation, the Court filed its Statements of Decision on June 18, 2004, entered Judgment and issued a Writ of Mandate on June 28, 2004, directing County to set aside the Project Approvals, except for certification of the FEIR that the Court found to be proper. The basis for setting aside the Project Approvals was the Court's determination that the Administrative Record did not contain a complete and coherent Specific Plan. Setting aside the Specific Plan necessarily required setting aside the various approvals dependent upon or related to the Specific Plan including the Design Guidelines, the Development Standards, the Development Agreement, the Resolutions pertaining to Clark Tunnel Road, the Mitigation Monitoring and Reporting Plan, the provisions of Project approval adopting mitigation measures and the Statement of Overriding Considerations. The Writ does not require the Board to set aside its certification of the FEIR and the Judgment of the Court expressly finds the certification to have been proper.

9. By Resolution 2004-214, the Board has complied with the Court's Writ. The Board now desires to act on the Applicant's request to reenact the Project Approvals.

10. Notice of all hearings required by statute and ordinance has been given and all hearings have been held as required by statute and ordinance.

11. The Board hereby further finds that the foregoing recitals setting forth the actions of the County are true and correct.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA,
DOES HEREBY ORDAIN as follows:**

Section 1: The Bickford Ranch Development Standards, a true and correct copy of which is included herein under separate cover and incorporated herein by reference, are hereby adopted and shall serve as the zoning and use regulations for the Bickford Ranch Specific Plan Area. To the extent that a provision contained within the Development Standards is in conflict with that contained within the Chapter 16 or Chapter 17 of the Placer County Code or the County Land Use Development Manual (the "County Codes"), the provision of the Development Standards shall apply. To the extent no specific standard within the Development Standards is applicable, the County Codes shall apply.

Section 2: The ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish it within fifteen (15) days in accordance with Government Code Section 25124.